

Key Amendments to America's Affordable Health Choices Act ( [H.R. 3200](#) )

Adopted by the Education and Labor Committee

**Amendment offered by Rep. Dina Titus (D-NV)**

**Adopted by a vote of 28-19 (D 28-0; R 0-19)**

The Titus amendment increases the size of small businesses that can choose to enter the Health Insurance Exchange in the first two years and will set minimum standards that the Commissioner of the Health Insurance Exchange must follow in year 3. Specifically, in year 1, the size of businesses eligible for the Exchange will increase from those with 10 or fewer employees to businesses with 15 or fewer employees. In year 2, the size will increase from businesses with 20 or fewer employees to those with 25 or fewer employees. In Year 3, the Commissioner must allow additional small businesses to enter the Exchange and will set the minimum size for an eligible business to one with 50 employees.

**Amendment offered by Rep. Phil Hare (D-IL)**

**Adopted by voice vote**

The Hare amendment is designed to help facilitate the participation of small businesses and the self-employed in the Health Insurance Exchange. It allows Small Employer Benefit Arrangements to contract with the Exchange to provide operational expertise, consumer information, capacity for benefits integration, ongoing management and enrollment to small employers and their employees.

**Amendment offered by Rep. Joe Courtney (D-CT)**

**Adopted by voice vote**

The Courtney amendment provides a stopgap measure regarding the handling of pre-existing conditions by health insurance companies before the Health Insurance Exchange is up and running in 2013 and the full protections of the bill are in place, in order to better protect consumers. Specifically, until the Exchange is in place, the amendment would shorten the period someone can be denied coverage for a pre-existing condition from a year to three months and would allow a new insurer to look back only 30 days, instead of six months, to determine if such a condition exists.

**Amendment offered by Rep. Susan Davis (D-CA)**

**Adopted by voice vote**

The Susan Davis amendment also provides a stopgap measure regarding COBRA coverage before the Health Insurance Exchange is up and running in 2013 and the full protections of the bill are in place. The amendment would allow unemployed workers currently on COBRA coverage or those who start COBRA in the future to stay on COBRA until the Exchange is up and running, or until the individual finds a job with health insurance, whichever comes first. People are currently eligible for COBRA for 18 months after losing a job.

**Manager's Amendment offered by Chairman George Miller (D-CA)**

**Adopted by voice vote**

The manager's amendment included several changes from the original bill, including the following:

§ **Medical Loss Ratio:** Provides that the medical loss ratio (the ratio of what is paid out in claims to total revenues) by health insurers must be at least 85 percent.

§ **Eligibility to Participate in the Exchange:** Makes eligible for access to the Health Insurance Exchange, individuals and families whose insurance premiums and out-of-pocket costs are more than 11 percent of their income (i.e., individuals and families who are currently underinsured).

§ **Employer Wellness Programs:** To promote preventive health care, creates an employer wellness grant program to reward employers who establish or strengthen a workplace wellness program.

§ **Health Insurers Changing Coverage:** Prohibits insurance companies from changing the coverage or costs of a health plan mid-year except if the costs are lowered and/or coverage is increased.

§ **School Nurses:** Provides grants to states who hire school nurses.

**Amendment offered by Rep. Bobby Scott (D-VA)**

**Adopted by a vote of 30-17 (D 28-0; R 2-17)**

The Bobby Scott amendment would guarantee children access to Early Periodic Screening, Diagnosis, and Treatment (EPSDT) services as part of any health plan participating in the Health Insurance Exchange.

**Amendment offered by Rep. Susan Davis (D-CA)**

**Adopted by voice vote**

The Susan Davis amendment would instruct the Health Benefits Advisory Committee to examine the health coverage laws and benefits of each state in developing federal baseline standards, with the intention that the federal standards should not undercut those of the states.

**Amendment offered by Rep. David Wu (D-OR)**

**Adopted by voice vote**

The Wu amendment would establish a study to determine whether an enhanced reimbursement would increase the adoption and meaningful use of electronic health records.

**En bloc Amendment offered by Rep. Rush Holt (D-NJ)**

**Adopted by voice vote**

The en bloc amendment offered by Representative Holt (D-NJ), incorporating proposals by Representatives Loeb sack, Wu, Courtney, Altmire, and Tonko, would add workforce development provisions for long-term care workers; training for health care jobs for vulnerable populations; expanding and clarifying mental health and substance abuse preventative services are covered in the essential benefits package; and the creation of a health care labor market website and an online health professional training grant program.

**Amendment offered by Rep. Joe Sestak (D-PA)**

**Adopted by voice vote**

The Sestak amendment defines the “consumer representative” on the Health Benefits Advisory Committee as a person who is “an educated patient or consumer advocate.”

**Amendment offered by Rep. Jared Polis (D-CO)**

**Adopted by voice vote**

The Polis amendment clarifies the data collection provisions to include sexual orientation, race, disability, socioeconomic status, language, and geographic settings to be considered in studies of disparities in health care.

**Amendment offered by Rep. Mazie Hirono (D-HI)**

**Adopted by voice vote**

The Hirono amendment provides that the bill should not be construed to limit the policies provided by Hawaii's Prepaid Health Care Act, particularly regarding Hawaii's employer mandate laws.

**Amendment offered by Rep. Duncan Hunter (R-MI)**

**Adopted by voice vote**

The Hunter amendment directs HHS to grant a waiver from health coverage participation requirements for a two-year period to employers if the employer demonstrates that meeting the requirements would result in job losses.

**Amendment offered by Rep. Joe Wilson (R-SC)**

**Adopted by voice vote**

The Wilson amendment clarifies the bill to explicitly state that TRICARE, the health care program for the military and their families, is exempt from the bill's requirements.

**Amendment offered by Rep. Fudge (D-OH) and Rep. Titus (D-NV)**

**Adopted by a vote of 28-18 (D 28-0; R 0-18)**

The Fudge/Titus amendment on small business counseling requires the Commissioner, in consultation with the Small Business Administration, to establish and carry out a program to provide health insurance counseling and technical assistance to small employers who provide their employees health care through the Exchange.